IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1011 OF 2007

1.Vikram Bharat Bhoir,
2.Bharat Bhaskar Bhoir,
3.Jayashri Bharat Bhoir, &
4.Vidhyadhar Bharat Bhoir. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.P.M.Pradhan, Adv. for the Applicants.
Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 4th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking anticipatory bail in C.R.No.I-89 of 2007 of Kapurbawadi Police Station, Thane. The said case was registered under Sections 498-A, 306 of IPC.

3. Archana the daughter of the complainant was married to applicant No.1 in 2003. Applicant No.2 is the father of applicant No.1. Applicant No.3

is the mother of applicant No.1 and applicant No.4 is the brother of applicant No.1. All the applicants and Archana were residing in one building at Balkum Pada, Thane. It is the prosecution case that there was demand by applicant No.1 of money and as the demand was not met, Archana was mentally and physically treated with cruelty by the applicants and thereafter Archana was found dead with ligature marks round her neck.

4. It is an admitted fact that Archana was residing with her husband i.e. applicant No.1 on the first floor and applicant Nos.2, 3 & 4 were residing in a separate flat on the ground floor of the same building. The complaint is dated 24th February, 2007. In the said complaint, the complainant had only made allegations against applicant No.1. He has stated that applicant No.1 was demanding money and as the said demand was not met, applicant No.1 used to mentally and physically torture Archana and on account of this Archana committed suicide by hanging herself from the ceiling. In the said complaint, it is specifically stated that applicant No.1 is solely

responsible for the death of Archana.

5. The learned Advocate for the applicants has submitted that there was no question of applicant No.1 demanding an amount of Rs.20,000/- to Rs.25,000/-, as there was Rs.38,000/- in the Bank account of Archana which had been deposited by applicant No.1 himself.

6. However, as far as applicant No.1 is concerned the complainant has specifically stated that applicant No.1 was demanding that Archana should bring money; and on account of the demand not being met applicant No.1 used to mentally and physically treat Archana with cruelty. On 24th February, 2007, the complainant was told that he should immediately go to the house of applicant No.1. On reaching there, he saw the dead body of his daughter Archana and there were ligature marks on the neck of Archana. Archana was residing in a flat on first floor along with applicant No.1. There is no material to show that there was any other person in the flat at the time of incident except applicant No.1. Applicant No.1 tried to cover the cause of death by stating that Archana

fell down in the bathroom and sustained injury which caused her death. However later on, when the body was being brought down the complainant noticed ligature marks on the neck of Archana, hence he lodged complaint. Looking to all these facts, I am not inclined to grant anticipatory bail to applicant No.1. His application for anticipatory bail is rejected.

7. As far as applicant Nos.2, 3 & 4 are concerned, in the complaint no allegations have been made against them. However, some days later, supplementary statement of the complainant came to be recorded on 28th February, 2007. In the supplementary statement the complainant has implicated applicant Nos.2, 3 & 4. No specific instance or incident has been pointed out by the complainant in respect of applicant Nos.2, 3 & 4 but general allegations have been made against applicant Nos.2, 3 & 4. As stated earlier applicant Nos.2, 3 & 4 have been implicated only on the basis of this further supplementary statement which was recorded some days after the FIR was recorded.

8. Looking to the material on record, *prima facie* it appears that applicant Nos.2, 3 & 4 have been implicated as an afterthought. In this view of the matter, I am inclined to grant anticipatory bail to applicant Nos.2, 3 & 4 only.

9. In the event of arrest, applicant No.2 Bharat Bhaskar Bhoir, applicant No.3 Jayashri Bharat Bhoir and applicant No.4 Vidhyadhar Bharat Bhoir to be released on bail in the sum of Rs.30,000/- each, with one or two sureties to make up the said amount. The applicant Nos.2, 3 & 4 shall report to Kapurbawdi Police Station, Thane initially for 15 days from 11:00 a.m. to 2:00 p.m. everyday, and thereafter once in a week till conclusion of the trial.

10. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)